

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes August 8, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 8, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Noecker, Padilla, Reveal, Shively, Underwood, Wencil; and Messrs. Gelgelu, Lindeke, Makarios, Oliver, and Ward.

**Commissioners Absent:** Mmes. \*Merrigan, \*Thao, \*Wang, and Messrs. Connolly, \*Edgerton, \*Nelson, \*Ochs, and Wickiser.

\*Excused

**Also Present:** Donna Drummond, Planning Director; Anton Jerve, Jake Reilly, Eduardo Barrera, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes July 11<sup>th</sup> and July 25, 2014.**

**MOTION:** *Commissioner Reveal moved approval of the minutes of July 11, 2014. Commissioner Noecker seconded the motion. The motion carried unanimously on a voice vote.*

**and**

**MOTION:** *Commissioner Reveal moved approval of the minutes of July 25, 2014. Commissioner Shively seconded the motion.*

Commissioner Gelgelu proposed a correction be made to the minutes regarding his comment on page 5, where it says "there is a Hmong community here" the word Hmong should be taken out and the word Oromo community put in place of it.

**MOTION:** *The motion to approve the July 25, 2014 minutes with modification carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencil had no announcements.

**III. Planning Director's Announcements**

Donna Drummond announced that on Monday, August 4<sup>th</sup> Jonathan Sage-Martinson started as the new permanent director of the Department of Planning and Economic Development. Last

Wednesday the City Council passed a resolution requesting that the Planning Commission complete a study of dimensional and design standards for single family housing new construction in Ward 3. There is concern about houses being torn down and replaced by much larger houses that don't fit with the existing character of the surrounding neighborhood. Staff will begin working on it and it should come to the commission toward the end of the year or early next year.

#### **IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Two items to come before the Site Plan Review Committee on Tuesday, August 19, 2014:

- ABC Supply, expand existing parking lot at 150 State Street.
- Flint Hills, construct two new above ground-storage tanks at 2209 Childs Road.

#### **NEW BUSINESS**

#14-293-509 Walgreens – Nonconforming use permit for relocation of one drive-through lane. 1578 University Avenue West, SE corner at Snelling Avenue. *(Anton Jerve, 651/266-6567)*

Commission Padilla said that this is part of a larger overall redevelopment plan for the 34 ½ acre site, which is being called the Snelling Smart Site. Donna Drummond, Planning Director, will provide a presentation at a future meeting on the on-going redevelopment planning process, including how the Walgreens is one stage of that redevelopment.

**MOTION:** *Commissioner Padilla moved the Zoning Committee's recommendation to approve the nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

#14-189-866 Walgreens (University and Snelling) – Site plan review for a building addition, relocation of a drive-through window and changes to a parking lot. 1578 University Avenue West. *(Tom Beach, 651/266-9086)*

Commissioner Lindeke asked about the idea of increasing density along University Avenue, noting that is a goal for the City, and asks how this project fits in with that. He commented on the CVS building kitty-corner from it, noting it has a facsimile of a second story with a cupola that the city requested but there is nothing inside it. He noted that the American Bank building the Walgreens is going into has a second story, and asked if there was any discussion of adding a second story to the building addition.

Commissioner Padilla said that the commission will learn more about the overall vision for the entire site, including this parcel, when there is a presentation on the larger plan. There was some discussion about building this in a way that could add additional height in the future, and there is an intention to create more density on the overall site and this may not be the permanent development for the corner.

Commissioner Lindeke said that there is a second floor on the existing building and it's going to be used for something.

Donna Drummond, Planning Director, said the second story of the American Bank building will be available for lease for office use and they don't have a tenant lined up for that yet. Regarding the building addition, the zoning code requires 25 feet in height as a minimum in the T4 district but doesn't specify that it has to be another story. The idea of adding a second story for the addition was discussed with developer and they felt that they would be challenged to fill the space in the second story in the existing building as it was and were not interested in creating more space since they didn't have committed tenants. This project will get some activity at that corner for now. She further noted she will do a presentation on this overall effort which has been underway for some time with the shopping center owner, Metro Transit/Metropolitan Council, and the City's HRA. The presentation will include information on the report and recommendations from a consultant that they have worked with on how to build out that whole 35 acres. This presentation will be at the first Planning Commission meeting in September.

Commissioner Lindeke said that at the last meeting the commission had a presentation from Jake Reilly, city staff, about trends in the real estate market. It would be interesting to get more information about the retail and office market along University Avenue and have that context when we're approving site plans for second story office buildings, for example.

**MOTION:** *Commissioner Padilla moved the Zoning Committee's recommendation to approve the site plan review for a building addition, relocation of a drive-through window and changes to a parking lot subject to additional conditions. The motion carried unanimously on a voice vote.*

#14-308-782 Mississippi Market Cooperative Inc. – Conditional use permit for retail use with more than 15,000 sq. ft. of floor area, and variance of parking lot interior landscaping requirement. 740 7<sup>th</sup> Street East, SW corner of East 7<sup>th</sup> Street and Maple Street. (Jake Reilly, 651/266-6618)

Commissioner Noecker said that it looks like the variance for the parking is a temporary condition until the rest of the development happens and once that's complete the approximately 2,000 square feet that's required will be established. Is that accurate or is there some condition that requires that that happen once it's possible to happen?

Commissioner Padilla said that the requirement is at least 2,973.6 square feet of interior landscaping. The original application stated that they would provide about 470 square feet of interior landscaping, but updated numbers reflect that they will be providing approximately 2,200 square feet which is the amount when the full site is developed. The majority of it will be in place as the market is developed and a small portion will be added in as part of the second phase of development, so a variance will be needed.

**MOTION:** *Commissioner Padilla moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#14-308-882 More 4 A Buck – Change of nonconforming use permit for auto repair and outdoor auto sales. 1176 Dale Street North between Maryland and Geranium. (Jake Reilly, 651/266-6618)

*Commissioner Padilla reported that the Zoning Committee laid this case over to the August 28, 2014 meeting.*

Commissioner Padilla announced the items on the agenda for the next Zoning Committee meeting on Thursday, August 14, 2014.

#### **V. Comprehensive Planning Committee**

Chapter 64 Sign Amendments – Approve resolution recommending adoption of amendments to the Mayor and City Council. *(Jake Reilly, 651/266-6618)*

Commissioner Reveal said that there was a public hearing on this recently and that the committee had an opportunity to discuss the amendments in some detail. She indicated that Jake Reilly is here to answer any questions about this final version that's being recommended. On the second page of the memo there are five main edits to the original proposed amendments to Chapter 64 based on input at the public hearing. They are laid out very clearly and are reflected in the attached text document.

**MOTION:** *Commissioner Reveal moved on behalf of the Comprehensive Planning Committee to approve the resolution recommending that the amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

Department of Natural Resource's (DNR) Draft Rules for the Mississippi River Corridor Critical Area – Approve resolution and comments to the Mayor for submittal to the DNR.

Donna Drummond, Planning Director, provided background on the establishment of the critical area requirements. The Mississippi River Corridor Critical Area was created in 1976 by Governor Anderson, which includes 72 miles from Dayton to Hastings, both above and below the river from Saint Paul. In 1979 Governor Quie put forward Executive Order 79-19, which required that all the cities in the critical area develop local plans and regulations for the critical area, and provided standards and guidelines for that. In 1981 the City adopted its first Mississippi River Corridor Plan, which identified areas to be protected. Of the 7,100 acres of land that are in the critical area, 35% are now publically owned, parks and open space. A year after the plan was created the City adopted river corridor regulations and created four river corridor overlay districts.

In 2009 the state legislature directed the Department of Natural Resources (DNR) to develop more detailed rules for the critical area to ensure more consistency in how communities within the critical area were regulating development. The rule making process started, they were given a certain amount of time complete the rules, and the authority lapsed in 2011. There was a period of inactivity for a few years and in 2013 the legislature reauthorized the DNR to resume the rule making process. The 2013 legislation directed the DNR to confer with local units of government first. They began with the draft rules as they had been left in 2011. DNR staff met individually with staff from cities up and down the river and then released a draft of revised rules in June for general public discussion. That is the phase we are in right now. They're asking for comments from cities, individuals, interest groups, etc., with the comment period expiring on August 15<sup>th</sup>. The DNR will make further revisions to the draft rules and then issue their final department recommended draft rules for the formal public hearing process. It goes through an administrative law judge process and eventually to the governor's desk to be signed. At that point the rules

would be final and the DNR would direct cities to update their critical area regulations to be consistent with the new rules. The Planning Commission will be very involved in that process, reviewing and recommending amendments to the City's river corridor regulations on to the Mayor and City Council. That process will probably be about another year before that gets started.

Commissioner Reveal commented that Comprehensive Planning Committee had made a recommendation in the resolution that the DNR come and make a presentation to the Planning Commission sometime between August 15<sup>th</sup> and their next promulgation of a new draft of the rules. The Committee has a very clear idea about the staff's position on this but not such a clear idea of the perspective from DNR and the motivations for some of the things that aren't explained well in the draft itself. Several stakeholders, including the business community and others have been meeting with DNR staff and she thinks it would be beneficial for the commission to hear from DNR staff directly. It is also important for DNR to hear from regulatory bodies and get the perspective directly from the people making those decisions.

Commissioner Padilla thanked staff and the Comprehensive Planning Committee for going through this process. It's very critical that the right evidence and science be used to determine whether setbacks are necessary and appropriate, and what building heights should be used. She really appreciates the staff's time and energy put into protecting what we are trying to do here in Saint Paul and balancing that with a sensitivity to maintain and preserve the critical corridor itself. Do we have confidence that they will come here and talk to us?

Donna Drummond, Planning Director, said that the DNR staff has made a very earnest effort to meet with many different constituency groups at the request of those groups, so she is confident that they would be happy to come here and talk further about this.

Commissioner Noecker said she feels very strongly that we need to hear from the DNR. If that's not possible despite a good faith effort then she supports forwarding the City's comments on good faith that we developed comments based on the information we had.

Commissioner Lindeke had a question about two landslides that occurred in Minneapolis and Saint Paul within the last year or two, including the one that killed two kids and the one recently at the hospital site in Minneapolis. Has climate change, increasing rain fall and possible impact on the bluffs been considered?

Ms. Drummond has not heard that particular connection be made, but she can see why that might be something to look at because with more significant rain fall there is more of a chance for those types of events to occur.

Commissioner Reveal added that the committee did talk about the very steep slope and setback standards and how much critical erosion problems there has been. She thinks more information is needed about what problems the draft rules are trying to address.

Chair Wencil noted that they do need to be cautious, but not overly cautious. There are other parts of the country that definitely have the same kind of steep slopes that we do and have building regulations that deal with those too.

Commissioner Noecker proposed that they have some questions that come from the commission

that they could submit to the DNR with the invitation for them to come speak. So instead of raising those questions during their presentation, this would give them time to prepare responses.

Commissioner DeJoy wanted to know if there has been communication with other cities that would be affected by this. Are we talking to any other cities that might have similar concerns and issues?

Ms. Drummond replied that they have talked with Minneapolis city staff about this and their park board staff. Also, Metro Cities has hosted several meetings with the DNR staff and commissioner on the draft rules so cities could voice their concerns in that venue.

Commissioner Underwood asked if their comments are going to be consistent or if the DNR is hearing similar things outside of Saint Paul?

Ms. Drummond said that from what she has heard the other cities have concerns about impacts on existing properties both residential and commercial/industrial. Also, cities like to be in charge of their own development, so having overly restrictive rules on how that happens, every city is going to be concerned about that. And every city feels as we do that we know our city and we are good stewards of the built environment. There have been a lot of similar concerns expressed by the Saint Paul Port Authority and the Chamber of Commerce. On the other side there has been organizations like Friends of the Mississippi River and Friends of the Parks and Trails who are concerned that these rules may not go far enough in protecting the resource. It's weighing different values and how do you come out at the end with something that's reasonable and balances all the uses of the river.

Commissioner Reveal said that one of the things would like staff to do is to look at the comments from other cities to find areas of commonality and areas of difference. In particular if there are any significant positions on the part of other jurisdictions that are contrary to what we're saying about certain things. DNR is planning to post all of the comments on their web site.

Commissioner Underwood said regarding the resolution, she likes what is being forwarded but she would have gone a step further to start it by saying we oppose the draft rules. She thinks our areas of concern are greater than our areas of support. So when she responds to some neighbors who did reach out about this, she is going to tell them our reasons to oppose it.

Commissioner Reveal believes we all agree, and it is the basis for much of our comprehensive planning, that protection of this critical area is a really important goal. The issue is not whether to protect it but how to do it, and in particular how any changes affect existing property owners and the viability of existing property, and the ability to develop and redevelop. So she would be uncomfortable saying that we oppose the rules, because what we are trying to say here is that we share the goal of protecting the critical area and it's sustainability, but we have areas of significant difference of opinion about how to do that. We are also uncomfortable that the level of data analysis and facts behind the suggested rules aren't sufficient. We don't want to give the impression that the City of Saint Paul is against the goals of this process.

Commissioner Underwood said that as someone who worked on this issue for years in her previous role with the City, she knows that this is early in the process, and there will be more opportunities for input.

Commissioner DeJoy is okay with the resolution but thinks the language should be more specific to say what things we think need changing and to provide examples. For example, language such as "take into account municipal plans" or "the DNR has not conducted meaningful analysis" need to be better explained and defined.

Chair Wencl said that this is the resolution that will go along with the staff memo, which has more detail to explain the main points of the resolution. She asked if Commissioner DeJoy is comfortable with that approach.

Commissioner DeJoy replied that she is as long as it's clear what the meaning is.

**MOTION:** *Commissioner Reveal moved on behalf of the Comprehensive Planning Committee to approve the resolution and comments to the Mayor for submittal to the DNR. The motion carried unanimously on a voice vote.*

**VI. Neighborhood Planning Committee**

Commissioner Oliver announced the item on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, August 13, 2014.

**VII. Transportation Committee**

Commissioner Lindeke announced that their next meeting on Monday, August 11<sup>th</sup> has been cancelled; however on August 25<sup>th</sup> they will be discussing the Complete Streets Design Manual with the new comments from the committee.

Donna Drummond, Planning Director, added that she was just at a meeting discussing upcoming items at Transportation Committee and there will be some initial discussion of the City's comments on the Met Council's Transportation Policy Plan and also a recommendation on the Gateway Corridor locally preferred alternative.

**VIII. Communications Committee**

There was no report.

**IX. Task Force/Liaison Reports**

Commissioner Shively reminded the Planning Commission that the Parks Commission's networking event is coming up next Wednesday and they are all invited. Dinner is included and there will be a tour with program at the Arlington Hills Community Center.

**X. Old Business**

None.

**XI. New Business**

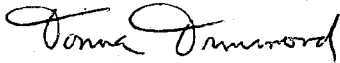
None.

**XII. Adjournment**

Meeting adjourned at 9:40 a.m.

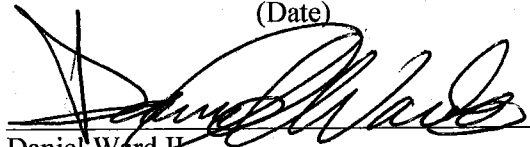
Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



Donna Drummond  
Planning Director

Approved August 22, 2014  
(Date)



Daniel Ward II  
Secretary of the Planning Commission

Planning Team Files\planning commission\minutes\August 8, 2014